



CLOSED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BELEN CABACCANG and ISIDRO
CABACCANG,

Plaintiffs,

v.

THE UNITED STATES
CITIZENSHIP & IMMIGRATION
SERVICES ("CIS"); EVELYN M.
UPCHURCH, Director of CIS'
TEXAS SERVICE CENTER;
EDUARDO AGUIRRE, JR.,
DIRECTOR OF CIS; MICHAEL
CHERTOFF, SECRETARY OF THE
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, ALBERTO
R. GONZALES, ATTORNEY
GENERAL OF THE UNITED
STATES,

Defendants.

Case No. CV 07-00574 DDP (Ex)

**ORDER VACATING THIS COURT'S JUNE
15, 2009 ORDER AND DISMISSING THE
ACTION FOR LACK OF JURISDICTION**

[Mandate received 02/28/2011]

The Ninth Circuit heard an appeal from this court's June 15, 2009, Order Denying Plaintiff's Motion for Summary Judgment and Denying in Part and Granting in Part Defendant's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment ("Order"). The Ninth Circuit reversed the judgment of this Court, holding that district courts lack jurisdiction to review denials of status

1 adjustment if removal proceedings are simultaneously pending.
2 Plaintiff's claims are, therefore, not ripe for review.
3 Accordingly, the Ninth Circuit has mandated that this court vacate
4 its Order and dismiss the present matter for lack of jurisdiction.

5 For the foregoing reasons, the court VACATES its prior Order
6 and DISMISSES Plaintiff's complaint for lack of jurisdiction.

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8 IT IS SO ORDERED.

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11 Dated: March 3, 2011

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DEAN D. PREGERSON
United States District Judge